

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has canceled claim 26. Thus, claims 1-3, 5, 6, 9, 12-14, 17-22 and 24-29 are now pending in the application. In response to the Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

As a preliminary matter, the undersigned thanks the Examiner for the courtesy of the personal interview on January 4, 2005. In accordance with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04, a Statement of Substance of Interview is submitted along with this Amendment.

Claims 26-29 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. By this Amendment, Applicant has canceled claim 26 and amended claims 27-29 to be dependent on claim 1.<sup>1</sup> Accordingly, the Examiner is requested to withdraw the § 112, first paragraph, rejection.

Claims 1 and 9 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Yapel et al. (U.S. Patent No. 5,906,862; hereafter "Yapel"). Claims 2, 3, 5 and 6 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Yapel. Applicant respectfully traverses the prior art rejections.

In the July 14, 2004 Amendment, Applicant argued that independent claim 1 would not have anticipated by or rendered obvious in view of Yapel because the cited reference does not

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<sup>1</sup> As set forth on page 8 of the Office Action, the Examiner indicates that the prior art neither teaches or suggests the features recited in claims 27-29. Therefore, although the Office Action is final, the  
...(footnote continued)

teach or suggest "changing a condition of heating of the second heating means while the support is being conveyed", as claimed. In particular, nowhere does Yapel teach or suggest changing a condition of the drying enclosure (second heating means) 198 while the web (support) is being conveyed. Rather, the section of Yapel (column 13, lines 57-67) cited by the Examiner simply indicates that the velocity of the air flow and the temperature of the drying gas may progressively increase as the coated web moves through the drying enclosures 192, 194, 196 and 198. In other words, the temperature of the drying gas in each of the individual drying devices remains fixed such that the temperature of the drying gases in the downstream drying enclosures is greater than the temperature of the drying gases of the upstream drying enclosures. Thus, Yapel simply teaches that the temperature of the drying gas in the drying enclosure (the second drying means) 198 is greater than the temperature of the drying gas in the drying enclosure (the first drying means) 196 (and the drying enclosures 192 and 194).

In response to the arguments for patentability, the Examiner asserts:

[Yapel's] disclosure is much broader than asserted by applicant and there is no evidence of record requiring applicant's narrow interpretation. Lines 65-68 [of column 13] clearly teach "progressively increasing" the temperature as the coated support moves through the drying means. While this disclosure may support applicant's position - each upstream enclosure's having a fixed temperature that is lower than the fixed temperature of the adjacent downstream enclosure - it also supports the examiner's position - that the temperature within each drying means is progressively increased as the support is conveyed. Because there is no evidence of record indicating that this disclosure of Yapel must be as narrowly interpreted as argued by applicant, the disclosure reads on applicant's claimed "changing a condition of heating of the second heating means while the support is being conveyed." Consequently, this argument is not persuasive.

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Examiner should enter the amendments to claims 27-29 since they do not raise new issues which would require further consideration and/or search.

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Applicant respectfully submits that the Examiner's position is incorrect. In particular, Yapel does not teach or suggest that "the temperature within each drying means is progressively increased as the support is conveyed."

It is well settled that the proper inquiry for obviousness is what the reference as a whole teaches or suggests to those of ordinary skill in the art. However, the Examiner's interpretation of the Yapel's statement that "the temperature of the drying gas or in the oven may also progressively increase as the web moves through the drying enclosures 192-198" at column 13, lines 65-67 is not supported by the teachings of the reference as a whole. In particular, based on the teachings of Yapel at column 13, lines 45-64, Applicant respectfully submits that it is quite clear that one of ordinary skill in the art would recognize that Yapel only discloses the velocity and temperature of the drying gas in each drying enclosure is greater than the velocity and temperature of the drying gas in the preceding drying enclosure(s). For example, Yapel teaches that "[t]he drying enclosures 192-198 preferably utilize progressively greater velocity laminar air flow to dry the coated web 206, and may utilize progressively higher temperatures of the drying gas" at column 13, lines 45-48 and then provides specific examples where the drying enclosures 192 utilizes a low velocity laminar flow, the drying enclosure 194 utilizes a medium velocity laminar flow and the drying enclosure 196 utilizes high velocity laminar flow at column 13, lines 49-56. Further, Applicant notes that the section (sentence) of Yapel (column 13, lines 65-67) cited by the Examiner inherently refers to the preceding disclosure by using the conjunctive adverb "therefore" at the start of the sentence.

It is also important to note that Yapel states that "the temperature of the drying gas or in the oven may also progressively increase as the web moves through the drying enclosures 192-

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198” rather than “the drying enclosure”. By referring to plural drying enclosures, Yapel indicates that the temperature of the drying gas progressively increases from the first drying enclosure to the last drying enclosure. The Examiner’s interpretation would only be supported if Yapel stated that “the temperature of the drying gas or in the oven may also progressively increase as the web moves through the drying enclosure”.

Moreover, contrary to the Examiner’s assertion that “there is no evidence of record indicating that this disclosure of Yapel must be as narrowly interpreted as argued by applicant”, Yapel clearly discloses at column 7, lines 7-11 and column 18, lines 1-25 (i.e., claims 5-9) that the velocity and temperature of the drying gas each in subsequent drying enclosure is greater than the velocity and temperature of the drying gas of the preceding drying enclosure(s).

Lastly, the Examiner further states that:

as noted in the prior Office action, the dried, coated substrate is eventually removed from the ultimate drying means (198). At such a time, the substrate is being conveyed but the second heating means is no longer heating the coated substrate: a condition of heating has changed. Because applicant has not addressed this position, Yapel continues to anticipate claim 1.

However, Applicant respectfully submits that the Examiner’s position is incorrect. Claim 1 recites “heating the support and the photosensitive coated layer by a second heating means ...; and changing a condition of heating of the second heating means while the support is being conveyed.” Thus, the phrase “a condition of heating of the second heating means” necessarily requires that a state of the second heating means, rather than a state of the support (substrate), is changed. The mere fact that the substrate is eventually removed from the drying enclosure has no effect whatsoever on the condition of heating of the second heating means. As set forth in MPEP 2111, claims must be given their broadest reasonable interpretation consistent with the

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specification. However, to construe the claim language as the Examiner proposes would violate this guidance.


Accordingly, Applicant respectfully submits that independent claim 1, as well as dependent claims 2, 3, 5, 6 and 9, should be allowable over Yapel because the cited reference does not teach or suggest all of the features of the claimed invention.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 28, 2005

Attorney Docket No.: Q64664